

JS 44 (Rev. 02/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jacovetti Law, P.C.

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

194 Old Country Rd,
Mineola NY 11501

(c) Attorneys (Firm Name, Address, and Telephone Number)

Joshua L. Thomas
225 Wilmington West. Chester Pk. Ste 200
Chadds Ford PA 19317

DEFENDANTS

James Everett H. Shelton

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ PTF ☒ DEF Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
- Citizen of Another State ☒ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

14 USC 1961

Brief description of cause:

False litigation by Defendant

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

1/6/20

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

JAN - 9 2020

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Jacqueline Law PC 194 Old Country Rd Minolta NY 11501

Address of Defendant: James Everett Shelton 316 Covered Bridge Road King of Prussia PA 19499

Place of Accident, Incident or Transaction: 194 Old Country Rd. Minolta NY 11501

RELATED CASE, IF ANY:

Case Number: 18-03723 Judge: JDW Date Terminated: N/A

Civil cases are deemed related when Yes is answered to any of the following questions:

- | | | |
|--|---|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☒ is ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 1/6/20

Joshua Thomas
Must sign here
Attorney-at-Law / Pro Se Plaintiff

312476
Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☒ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
(Please specify):

THIS CASE IS RELATED TO: 18cv3723CIVIL ACTION NO. 20cv163ASSIGNED TO: Judge Wilson

I, Joshua Thomas, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 1/6/20

Joshua Thomas
Sign here if applicable
Attorney-at-Law / Pro Se Plaintiff

312476
Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

JAN - 9 2020

JDW

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Jacovetti Law PC

v.

Shelton

CIVIL ACTION

NO. **20 1637**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>1/6/20</u>	<u>Joshua Thomas</u>	<u>Plaintiff</u>
Date	Attorney-at-law	Attorney for
<u>215-806-1733</u>	<u>848-314-8910</u>	<u>JoshuaLThomas@gmail.com</u>
Telephone	FAX Number	E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JACOVETTI LAW, P.C.
194 OLD COUNTRY ROAD
MINEOLTA, NY 11501,

ROBERT C. JACOVETTI
194 OLD COUNTRY ROAD
MINEOLTA, NY 11501,

FCS CAPITAL LLC,
30 MONTGOMERY STREET SUITE 1200
JERSEY CITY, NJ 07302

BARRY SHARGEL INDIVIDUALLY AND
AS MANAGING MEMBER OF FCS
CAPITAL LLC,
30 MONTGOMERY STREET SUITE 1200
JERSEY CITY, NJ 07302

AND

EMIL YASHAYEV INDIVIDUALLY AND
AS MANAGING MEMBER OF FCS
CAPITAL LLC,
30 MONTGOMERY STREET SUITE 1200
JERSEY CITY, NJ 07302

PLAINTIFFS,

V.

JAMES EVERETT SHELTON
316 COVERED BRIDGE ROAD
KING OF PRUSSIA, PA 19406

AND

FINAL VERDICT SOLUTIONS
316 COVERED BRIDGE ROAD
KING OF PRUSSIA, PA 19406

AND

CIVIL ACTION NO.: **20 1637**

Civil Action

FILED
JAN - 9 2020
By KATE BARKMAN, Clerk
Dep. Clerk

DAN BOGER
333 DEAN DRIVE
ROCKVILLE MARYLAND 20551

DEFENDANTS.

COMPLAINT

Plaintiffs, JACOVETTI LAW, P.C., ROBERT C. JACOVETTI, FCS CAPITAL LLC, BARRY SHARGEL INDIVIDUALLY AND AS MANAGING MEMBER OF FCS CAPITAL LLC AND EMIL YASHAYEV ("Plaintiffs"), by and through their undersigned counsel, hereby submit this Complaint against Defendants, JAMES EVERETT SHELTON, (Shelton) and FINAL VERDICT SOLUTIONS and in support thereof, states as follows:

I. Parties and Jurisdiction

1. Plaintiff JACOVETTI LAW, P.C. is, a firm in the State of New York with a principle place of business located at 194 Old Country Road Mineolta, NY 11501.
2. Plaintiff ROBERT C. JACOVETTI is the principal of JACOVETTI LAW, P.C., PC with a principle place of business located at/within 194 Old Country Road Mineolta, NY 11501.
3. Plaintiff FCS CAPITAL LLC is a business with a principle place of business located at 30 Montgomery Street Suite 1200 Jersey City, NJ 07302.
4. Plaintiff BARRY SHARGEL is a managing member of FCS CAPITAL LLC which is a business with a principle place of business located at 30 Montgomery Street Suite 1200 Jersey City, NJ 07302.

5. Plaintiff EMIL YASHAYEV is a managing member of FCS CAPITAL LLC which is a business with a principle place of business located at 30 Montgomery Street Suite 1200 Jersey City, NJ 07302.
6. Defendant JAMES EVERETT SHELTON is of majority age residing in his home located at 316 Covered Bridge Road King of Prussia, PA 19406.
7. Defendant FINAL VERDICT SOLUTIONS is an entity run out of JAMES EVERETT SHELTON's home located at 316 Covered Bridge Road King of Prussia, PA 19406.
8. Defendant DAN BOGER is of majority age residing in his home located at 333 Dean Drive Rockville, Maryland 20551.
9. Jurisdiction is based on 28 U.S. Code § 1332(a). The amount in controversy is in excess of \$75,000.00;
10. Jurisdiction is also based on 28 U.S. Code § 1331 as the issue in controversy arising under the Constitution, laws, or treaties of the United States,
11. This Court has supplemental jurisdiction over Defendant pursuant to 28 U.S. Code § 1367 for all state claims.
12. At all times relevant and material hereto the named Defendant did act on its own individual behalf and as agents, servants, servicers, workmen and/or employees of each other, under each other's management, supervision, direction and control.

II. Background Material Facts

1. Defendant Shelton runs a scheme and is a well known serial filer of carbon copy complaints, alleging TCPA (Telephone Consumer Protection Act) and other similar actions against various firms and forcing them into settlement based on materially

misrepresented facts and/or entirely fabricated scenarios that Shelton alleges.

2. Shelton then uses the firm that he runs out of his own home, Final Verdict Solutions, to essentially collect on the judgments that he forces upon these companies, in order to collect the settlement that was agreed to.
3. Often times, Shelton will either hold himself out as an attorney or use two specific attorneys for his scheme, Bryan Anthony Reo (REO) of REO LAW LLC which only uses a business address of PO Box 5100 Mentor, Ohio 44061 and Clayton S. Morrow of Morrow & Artim, P.C. 304 Ross St., 7th Fl. Pittsburgh, PA 15219.
4. At the time of filing, Shelton has 21 cases alone in the Eastern District of Pennsylvania that were filed and upon information and belief, 29 total around the country.¹
5. To perpetuate this scheme, Shelton will often induce companies to call him, then claim they called him improperly, sue and they will settle rather than fight a protracted battle.
6. One of the more recent cases is against the Plaintiffs in this matter SHELTON v. FCS CAPITAL LLC et al at 2:18-cv-03723-JDW.
7. In that case, the original complaint was filed on August 30, 2018.
8. An amended complaint was then filed on November 13, 2018, and included Plaintiffs

¹ 2:08-cv-77863-ER SHELTON v. TYCO INTERNATIONAL (U.S.) INC. et al; 2:96-cv-03437-LB HAFHEY, et al v. SOFAMOR DANEK GROUP, et al; 2:16-cv-01650-PD SHELTON v. EXPERIAN INFORMATION SOLUTIONS, INC. et al; 2:17-cv-02367-JHS SHELTON v. MARK D. GUIDUBALDI & ASSOCIATES LLC et al; 2:17-cv-02368-LDD SHELTON v. DOAN SOLUTIONS, LLC et al; 2:17-cv-02620-TJS SHELTON v. ICAPITAL; CASH GROUP INC. et al; 2:17-cv-02851-GJP SHELTON v. MERCHANT SOURCE INC. ("MSI") et al; 2:17-cv-03301-RBS SHELTON v. FUNDBOX, INC.; 2:17-cv-04063-RBS SHELTON v. NATIONAL; GAS & ELECTRIC, LLC; 2:18-cv-01655-MAK SHELTON v. CENTERPOINTE LENDING STUDENT LOAN SERVICES et al; 2:18-cv-02070-NIQA SHELTON v. TARGET ADVANCE LLC; 2:18-cv-02071-CFK SHELTON v. FAST ADVANCE FUNDING, LLC; 2:18-cv-02072-TJS SHELTON v. PARAMOUNT HOLDING COMPANY, LLC; 2:18-cv-02186-TJS SHELTON v. CAPITAL; ADVANCES LLC et al; 2:18-cv-02187-CFK SHELTON v. ARETE FINANCIAL; GROUP et al; 2:18-cv-02259-PBT SHELTON v. RFR CAPITAL; LLC et al; 2:18-cv-02545-MSG SHELTON v. NATIONAL; STUDENT ASSIST LLC et al; 2:18-cv-02759-GEKP SHELTON v. IVEST 360, LLC; 2:18-cv-03723-JDW SHELTON v. FCS CAPITAL; LLC et al; 5:19-cv-02466-JFL SHELTON v. TRIFECTA SOLAR LLC et al; and 2:18-cv-04375-CFK SHELTON et al v. DIRECT ENERGY, LP, et al .

Jacovetti Law, P.C. and Robert C. Jacovetti.

9. A Safe harbor letter was sent informing Shelton of these bad acts. (See Exhibit A).
10. In fact, he attempted to get a default against these parties, however, once a motion to vacate said default was filed, he withdrew the case against Jacovetti Law, P.C. and Robert C. Jacovetti on February 6, 2019.
11. This was not before he and his attorneys threatened Jacovetti and his firm several times, with emails and phone calls and potentially defaming Mr. Jacovetti and his firm with the suit itself, as well as all other Plaintiffs.
12. At that time, Shelton's attorneys, Reo and Morrow both entered the case.
13. The problem with this case, is that it was setup for the sole purpose of extracting as settlement, based on false pretenses.
14. Substantially all of the "facts" alleged by Shelton are either palpable incorrect, or misstated to intentionally be misleading.
15. First, the T-mobile usage screenshot and also the email that Shelton received did not come from any of the Plaintiffs, rather it came from an entity known as "Fast Advance" at the time in question.
16. Shelton sent information to Plaintiff Robert C. Jacovetti as "evidence" in that case. (See Exhibits B and C – T-mobile usage screenshot and email to Shelton
17. Further, Business Debt Experts and Business Debt Relief, LLC are not actual companies nor are they actual D/B/A's and as such, all facts alleged by Shelton in this regard are simply not accurate or have any relation with reality.
18. Michael Deangelis was an employee of Fast Advance Funding (FAF) during the time that Shelton is alleging.

19. In fact, Shelton even mentions this in his Complaint, yet still continues to reference the improper parties.
20. Mr. Deangelis was calling from his personal cell phone which none of the parties in this case have an authority over.
21. Further, Mr. Deangelis was sending emails from FAF after May 1st and therefore he could not be working for any Plaintiffs because the emails would have been sent from a Plaintiff entity, which they were not.
22. While the phone number 347-707-7942 is a number owned by FCS Capital LLC, the number could have been spoofed by Michael Deanglis in order to get back at the Plaintiffs for firing him.
23. Further, the application that Deanglis sent Shelton from his "FAF" email with Plaintiff's letter head was once again something that could have been done for "revenge" and the documents were something Deanglis had from his time working with Plaintiff before the time in question.
24. Further, paragraph 62 on page 14 of the complaint is a phone number that is owned by Plaintiff but that was not Deanglis' old number.
25. Further, on page 19, paragraph 110 on the Complaint, pursuant to internal call records, that number did not make the alleged call at that time.
26. On paragraph 71 on page 15 of the complaint, where calls are alleged, an internal review of the phone records show those calls did not happen at that time.
27. Further, the alleged number does not do text messaging, auto dialer or touch 1 calls, so these assertions are not accurate.
28. Additionally, Shelton claims that Anthony Diaz called him several times from May

through August.

29. However, during this time, Shelton engaged in conversation with Anthony and expressed interest in Plaintiff's service, that is why Anthony kept calling him to follow up on previous conversations.

30. In Shelton's call log on 10/17/2018 a text was allegedly sent from a number ending in 3787.

31. Plaintiffs have reviewed all activity for that extension for that day.

32. It was two calls that came in; nothing going out and that number does not, in fact, send texts.

33. Further, Shelton says that Terrell called him multiple times and yet again, the phone records do not match this.

34. Finally, it is clear these actions are all being brought for the same purpose by Shelton and his attorneys and has been doing so for some time.

35. However, Shelton continues to try and pursue this case improperly against the remaining Defendants.

36. Defendant Dan Boger has often assisted Shelton in these matters, communicated directly with Plaintiffs, and is incorporated by reference in the aforementioned actions.

COUNT ONE – ALL DEFENDANTS

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT

1. Plaintiff hereby incorporate by reference all preceding paragraphs as if set forth at length herein.
2. Further, there is an action for Racketeer Influenced and Corrupt Organizations Act (RICO), Pub.L. 91-452, Title IX, 84 Stat. 941, as amended, 18 U.S.C. §§ 1961–1968, because there

was a “pattern of racketeering activity,” which the statute defines as “at least two acts of racketeering activity” within a ten year period. 18 U.S.C. § 1961(5); *Tabas*, 47 F.3d at 1290.

3. At all times relevant and material hereto the Defendants did use electronic transmission, including fax, internet, in order to engage in deceptive and fraudulent practices, to wit: the deceptive, fraudulent and unlawful taking, theft and attempted conversion of Plaintiff’s property – all of which is in violation of 18 U.S. Code § 1343.
4. Further, there is an action for Racketeer Influenced and Corrupt Organizations Act (RICO), Pub.L. 91–452, Title IX, 84 Stat. 941, as amended, 18 U.S.C. §§ 1961–1968, because there was a “pattern of racketeering activity,” which the statute defines as “at least two acts of racketeering activity” within a ten year period. 18 U.S.C. § 1961(5); *Tabas*, 47 F.3d at 1290.
5. Defendants have established a 'pattern of activity', by an 'enterprise', which has committed 'predicate acts', those acts never occurring more than ten years apart from the previous act(s).
6. The RICO statute is intended to address repeat, rather than one-shot, criminal activity.
7. For this reason, “the heart of any RICO complaint is the allegation of a pattern of racketeering.” *See Agency Holding Corp. v. Malley-Duff & Assoc., Inc.*, 483 U.S. 143, 154 (1987).
8. The RICO statute also proscribes activities involving the “collection of an unlawful debt” as a separate basis for a RICO claim. *See 18 U.S.C. § 1962(a)-(c).*

9. Wary of seeing “garden variety” fraud cases dressed up as federal claims, federal courts have used the “pattern” element as a means “to trim off the excesses of a civil RICO claim.” *See United States v. O’Connor*, 910 F.2d 1466, 1468 (7th Cir. 1990).
10. Federal courts have revealed some difficulty articulating exactly what type of proof is sufficient to meet the “pattern” element. *See U.S. Textiles, Inc. v. Anheuser-Busch Cos.*, 911 F.2d 1261, 1266 (7th Cir. 1990) (“[A] definition for precisely what activity will constitute a ‘pattern’ for purposes of the RICO statute has eluded the federal courts.”).
11. Nonetheless, the aforementioned facts support this claim in this action.
12. In fact, the continued pursuit by Defendants clearly illustrates that the actions are still ongoing, to this day.

WHEREFORE, the Plaintiff demand judgment against all Defendants, individually, jointly and severally for damages, interests and costs of suit including:

- a. Punitive and/or treble damages;
- b. Damages as permitted by statute;
- c. Counsel fees;
- d. All other relief this Court deems necessary and just.

**COUNT TWO – SHELTON
Wire Fraud**

13. Plaintiffs hereby incorporate by reference all preceding paragraphs as if set forth at length herein.
14. At all times relevant and material hereto the Defendant did use electronic transmission, including fax, internet, in order to engage in deceptive and fraudulent practices, to wit: the

deceptive, fraudulent and unlawful filing of frivolous lawsuits, including the one against the Plaintiffs in this matter.

15. Further, there is an action for Racketeer Influenced and Corrupt Organizations Act (RICO), Pub.L. 91-452, Title IX, 84 Stat. 941, as amended, 18 U.S.C. §§ 1961-1968, because there was a “pattern of racketeering activity,” which the statute defines as “at least two acts of racketeering activity” within a ten year period. 18 U.S.C. § 1961(5); Tabas, 47 F.3d at 1290.
16. There is no question Shelton, his collection firm, and his attorneys, file these frivolous suits for the sole purpose of extracting finds from companies.
17. As was previously stated, they have filed dozens of these cases, and continue to do so across the country.
18. There is no reason why this process should be permitted to continue.

WHEREFORE, the Plaintiff demand judgment against all Defendant, individually, jointly and severally for damages, interests and costs of suit including:

- e. Punitive and/or treble damages;
- f. Damages as permitted by statute;
- g. Counsel fees;
- h. All other relief this Court deems necessary and just.

**COUNT THREE – SHELTON
Defamation**

19. Plaintiff hereby incorporates by reference all preceding paragraphs as if set forth at length herein.

20. At all times relevant herein, Defendant has published statements both orally and through the filing of his complaints that are false and negative representations concerning Plaintiffs.
21. At a minimum, Defendant has published these statements in the complaints that were filed.
22. The statements made by Defendant are false, as the actions alleged was purely caused by Defendant's bad faith actions and/or other parties.
23. Defendant knew, or should have known, that the statements that it made were false when made and that it had no factual basis for making the statements that it did, as Plaintiffs had notified Defendant that the statements were false for the aforementioned reasons and, nevertheless, Defendant continued to publish such statements up to and through the present time.
24. The written statements and publications are libel per se.
25. The oral statements and publications are slander per se.
26. In addition, and despite the repeated notices from Plaintiff, Defendant has acted with malice by failing to withdraw this complaints.
27. The conduct of Defendant was a direct and proximate cause, as well as a substantial factor, in bringing about the serious injuries, damages, and harm to Plaintiff that are outlined more fully above and, as a result, Defendant are liable to compensate Plaintiff for the full amount of actual, compensatory, and punitive damages, as well as other such relief, as permitted by law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs requests that this Court enter judgment in their favor and against Defendant, as follows:

- a. Awarding Plaintiff actual damages against Defendant;
- b. Awarding Plaintiff damages for emotional distress against Defendant;

- c. Awarding Plaintiff attorneys' fees and costs against Defendant;
- d. Imposing any other appropriate monetary sanctions against Defendant; and
- e. Any other relief that this Court deems just and proper.

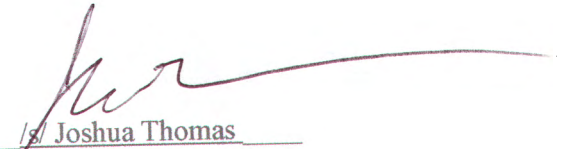
**COUNT FOUR – ALL DEFENDANTS
UNJUST ENRICHMENT**

- 28. Plaintiffs hereby incorporate by reference all preceding allegations as if fully set forth at length herein.
- 29. Under Pennsylvania law, a claim of unjust enrichment must allege the following elements: (1) plaintiff conferred a benefit on the defendant; (2) the defendant appreciated the benefit; and (3) acceptance and retention by the defendant of the benefits, under the circumstances, would make it inequitable for the defendant to retain the benefit without paying for the value of the benefit. *Com. ex. rel. Pappert v. TAP Pharm. Prods., Inc.*, 885A.2d 1127 (Pa. Commw. 2005).
- 30. Because of the numerous aforementioned misrepresentations, Defendants attempt to be unjustly enriched by Plaintiffs.
- 31. Defendants either through intentional actions or gross negligence continued to attempt to enriched through their actions.
- 32. Accordingly, Defendants are attempting to receive a benefit they are not entitled to.

WHEREFORE, the Plaintiff demand judgment against all Defendants, individually, jointly and severally for damages, interests and costs of suit including:

- a. Punitive and/or treble damages;
- b. Damages as permitted by statute;
- c. Counsel fees;
- d. All other relief this Court deems necessary and just.

Dated: 1/6/2020


_____/s/ Joshua Thomas

Joshua Thomas, Esquire
Joshua L. Thomas & Associates
225 Wilmington-West Chester Pike
Suite 200
Chadds Ford, PA 19317
Attorney for Plaintiff